

REMARKS**Preliminary Remark:**

Claims 1, 3—13, 18—30 are currently pending.

Claims 2, 14—17 were previously cancelled.

5 Claims 1, 5, 7—10 and 20—22 are original.

Claims 3, 4, 6, 11—13, 18, 19 and 23—30 were previously presented.

35 U.S.C. §102

Anticipation is a legal term of art. According to the MPEP §2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim. The applicant notes that in order to provide a valid finding of anticipation, several conditions must be met: (i) the reference must include every element of the claim within the four corners of the reference (see MPEP §2121); (ii) the elements must be set forth as they are recited in the claim (see MPEP §2131); (iii) the teachings of the reference cannot be modified (see MPEP §706.02, stating that "No question of obviousness is present" in conjunction with anticipation); and (iv) the reference must enable the invention as recited in the claim (see MPEP §2121.01). Additionally, (v) these conditions must be simultaneously satisfied.

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The §102 rejection of claims 1, 3, 11—13 and 18 is believed to be in error. Specifically, the PTO and Federal Circuit provide that §102 anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). The corollary of this rule is that the absence from a cited §102 reference of any claimed element negates the

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anticipation. *Kloster Speedsteel AB, et al. v. Crucible, Inc., et al.*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986).

Applicant notes the requirements of MPEP §2131, which states that “to anticipate a claim, the reference must teach every element of the claim.” This MPEP section further states that “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.’ *Verdegaaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ‘The identical invention must be shown in as complete detail as is contained in the ... claim.’ *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).”

Claim 1 was rejected under §102 as being anticipated by U.S. patent 6,231,176, herein after “Peter”. The Applicant respectfully traverses the rejection.

Claim 1 recites in part: “a heated media deflector configured to guide and dry the media, the heated media deflector located **downstream** of the horizontal printing zone.” (Emphasis added.)

The Peter reference fails to disclose each and every element recited. In particular, Peter fails to disclose location of the heated media deflector “downstream” of the printing zone. As seen in Fig. 1 of Peter, the heater is located below, or at, the printing zone. Accordingly, Peter does not show a heater in a location that is *downstream* of the printing zone. A downstream location would be *a location to which print media moves after printing*. That

is, after ink is applied to the media, the media continues to move *downstream* along the paper path, arriving at a place “located downstream of the horizontal printing zone”.

5 The Patent Office actually notes that the heated media deflector is *not located downstream*, but is instead located *under* the printing zone 38 of the horizontal printing zone. The Applicant agrees that the heated media deflector is not located downstream from the print zone, and agrees that heated media deflector is located under the print zone.

Referring to Fig. 2B, the feed direction 250 is shown—thereby
10 indicating which direction is upstream and which direction is downstream.

Referring to Fig. 3 of the Applicant’s disclosure, the heated media deflector 200 is seen in a location that is *downstream* of the printing zone.

Accordingly, the Peter reference does not show the elements recited by claim1, and the section 102 rejection should be removed.

15 Response to the Patent Office’s Argument.

The Patent Office argues that “even though the heater in Peter located (is) under the horizontal printing zone, it is considered downstream of the horizontal printing zone since applicant did not point out clearly the downstream position is from what point (section) to what point (section).”
20 (See Office Action mailed 12/16/2004, bottom of page 4 and top of page 5.)

The Applicant is confused by this argument, and respectfully disagrees with the conclusion reached by the argument.

First, the Applicant agrees with the Patent Office that the heater in Peter is located under the horizontal printing zone.

25 Second, the Applicant respectfully disagrees with the Patent Office’s assertion that the heater in Peter, which is located under the horizontal printing

zone is “considered downstream of the horizontal printing zone.” As the Patent Office pointed out, the heater is under the printing zone, and the heater is therefore not downstream of it.

5 The Applicant rejects the assertion that something that is clearly under the printing zone could be considered downstream of the printing zone. In fact, this cannot be the case. Instead of teaching locating a heater downstream of the print zone, Peter teaches locating the heater at and under the print zone.

10 Third, the Patent Office suggests that the Applicant did not point out clearly the point from which the heater is downstream. The Applicant strenuously disagrees. In fact, the Applicant clearly recited in the claim that the heater is “downstream *of the horizontal printing zone*.” (Emphasis added.)

Referring once again to Fig. 2B, the Applicant clearly disclosed the direction of print flow 250 (which, although shown by 250, is obvious). Additionally, in several of the figures of the Applicant’s disclosure (e.g. FIG. 15 3), the heater is shown in a location that is downstream *of the print zone* (as recited in claim 1).

Therefore, the Applicant did, in fact, explicitly recite in claim 1 the point from which the heater is downstream. That is, the heater is downstream *from the print zone*. This feature is not shown by, not taught by, and not suggested 20 by the Peter reference.

Looked at a different way, the heater could be located either: (1) upstream of, (2) or downstream of, or (3) at, the location of the print zone. The Peter reference teaches locating the heater at the location of the print zone. In contrast, the Applicant’s claim 1 recites locating the heater downstream of the 25 print zone.

Thus, the Peter reference did not teach the elements recited in claim 1, and therefore Peter fails as a section 102 reference.

Therefore, the Peter reference fails to disclose the arrangement recited by claim 1. Accordingly, the Peter reference is inadequate to support and
5 section 102 rejection of claim 1. Therefore, the Applicant respectfully requests that the section 102 rejection be withdrawn.

35 U.S.C. §103

Claims 23—25 were rejected under §103 as being unpatentable over Peter in view of U.S. patent 6,179,418, herein after “Mizoguchi”. The
10 Applicant respectfully traverses the rejection.

Claim 23 recites, in part, “set a heating temperature of the media deflector based on the detected environmental conditions.” **Claim 24** indicates that the environmental conditions could include temperature and ambient humidity. In contrast, Fig. 4 of the Mizoguchi reference, shows that detection
15 of ambient temperature 24 and ambient humidity 25 is used as an input to pressure driving means 22, which fixes toner on paper. However, Mizoguchi does not disclose application of the temperature and humidity data to a heater 7. Such information is not required in the laser/toner technology disclosed by Mizoguchi.

20 The Patent Office takes the position that the temperature/humidity sensors of Mizoguchi are used as input to the heater; however, examination of the block diagram of Fig. 4 reveals that the sensors for heat 24 and humidity 25 are used to control roller driving pressure 22, not a heater 7. Additionally, the Patent Office points to column 5, lines 44—46; however, these lines discuss the
25 result (i.e. data is properly fixed) but do not disclose the structures recited in the claim.

As a result, it is clear that Mizoguchi discloses use of temperature (Fig. 4, number 24) and humidity (Fig. 4, number 25) in controlling roller pressure in the toner fusing process (Fig. 4, number 22), but not to control the heater (Fig. 4, number 7). Accordingly, because all of the elements recited by the claims 23 and 24 are not shown or suggested by the references, the Applicant respectfully requests that the section 103 rejection of claims 23 and 24 be removed.

Claim 23 additionally recites “set a heating temperature of the media deflector based on ... the determined print mode parameters.” **Claim 25** indicates that the parameters can include plot width, media advance rate, printhead scanning rate and ink fired per scan. The Mizoguchi reference appears to be silent on these issues. The Patent Office suggests that column 3 lines 6—9 and column 5, lines 44—46 mention these aspects. However, the Applicant does not see any of the factors recited in claim 25 mentioned in Mizoguchi or any of the other references. Accordingly, because all of the elements recited by the claims are not shown or suggested by the references (i.e. the reference is silent about plot width, media advance rate, printhead scanning rate and ink fired per scan), the Applicant respectfully requests that the section 103 rejection of claims 23 and 25 be removed.

Claims 27—29 were rejected under §103 as being unpatentable over Codos in view of Mizoguchi. The Applicant respectfully traverses the rejection. In particular, claims 27—29 are allowable for reasons very similar to those seen above with respect to claims 23—25, which are incorporated by reference at this location. To recapitulate with respect to claims 27—28, Mizoguchi does not show temperature and humidity used to modify a heater; Mizoguchi shows use of temperature 24 and pressure 25 used to modify a

pressure roller 22, not a heater 7. (See Fig. 4.) And to recapitulate with respect to claims 27 and 29, plot width, media advance rate, printhead scanning rate and ink fired per scan are apparently not shown by Mizoguchi.

Since the elements recited in the claims do not appear to be shown, the
5 Applicant respectfully requests that the §103 rejections to claims 27—29 be removed.

Conclusion

The Applicant thanks the Examiner for allowing claims 11—13, 18—22 and 27—30.

10 The Applicant submits that all of the claims are in condition for allowance and respectfully requests that a Notice of Allowability be issued. If the Office's next anticipated action is not the issuance of a Notice of Allowability, the Applicant respectfully requests that the undersigned attorney be contacted for the purpose of scheduling an interview.

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Respectfully Submitted,

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